



STATE OF WASHINGTON

January 3, 2005

The Honorable Gary Locke
Governor of Washington
Post Office Box 4002
Olympia, Washington 98504-0002

Dear Governor Locke:

Attached is the "Interim Chemical Action Plan for PBDEs," as requested in your Executive Order 04-01.

This Chemical Action Plan (CAP) has been developed over the last seven months with input from a stakeholder advisory committee, public meetings in eastern and western Washington, and public comments on the draft plan.

Our recommendations are based on the following conclusions:

- Levels of PBDEs are increasing in the environment and in people. Although the levels currently found in humans do not pose an immediate health threat, increasing levels are expected to pose real health risks, particularly to our children.
- Tests on lab animals show that PBDEs can disrupt the neurological development of fetuses and infants. Although uncertainties exist regarding exposure pathways and the rate at which PBDEs break down, the potential costs of expected health risks are high.
- Two forms of PBDEs, Penta and Octa, will no longer be produced after December 2004. However, future importation of products containing these two forms of PBDE will not be prohibited. This loophole should be closed to prevent future exposures.

Because Deca-BDE is present in so many products and is nearly impossible to capture or control, it is necessary to develop and implement a ban on appropriate products. While Ecology and Health recognize this need, a more complete analysis is necessary to maximize benefits of a ban while minimizing impacts on manufacturers, retailers, and consumers, and ensuring adequate levels of fire protection.




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The recommendations included in the attached plan do not reflect a consensus of our advisory committee members. There continues to be disagreement about the level of risk posed by PBDEs, how they might break down into other chemical forms, and the appropriate response to the challenges posed by these chemicals. In particular, some think we do not know enough about Deca-BDE to conclude it poses a real public health threat, while others support banning it by 2006.

While you can reasonably argue both positions, the preponderance of recent research indicates that Deca-BDE breaks down into toxic components. When coupled with the large quantities of Deca-BDE used in everyday products now and into the future, we conclude that action on Deca-BDE is warranted. We think more work is in order to determine specifically what that action would entail, including how a ban on specific products containing Deca-BDE would be implemented. Our recommendations include using the coming months to develop this proposal, during which time the final CAP will be completed. We request a modest but vital budget increase from the state toxics account to continue this work.

Protecting public health and the environment from PBDEs is an important policy for Washington State, and we commend you for your leadership in making it a priority.

Sincerely,



Linda Hoffman
Director
Department of Ecology



Mary Selecky
Secretary
Department of Health

cc: PBDE Advisory Committee members